

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Jorge Sfeir, M.D.	:	
-vs-	:	
Northern Illinois Gas Company d/b/a Nicor	:	14-0329
Gas Company	:	
	:	
Complaint as to billing/charges in Roselle,	:	
Illinois.	:	

PROPOSED ORDER

By the Commission:

On April 23, 2014, Jorge Sfeir, M.D. ("Complainant"), filed a complaint against Northern Illinois Gas Company d/b/a Nicor Gas Company ("Nicor") pursuant to Section 10-108 of the Act (220 ILCS 5/10-108) ("the Act"), alleging that Nicor erroneously billed him an additional \$2500 from 2007.

Pursuant to notice required by the rules and regulations of the Commission, a prehearing conference was scheduled in this matter on May 21, 2014, before a duly authorized Administrative Law Judge ("ALJ") of the Commission at its offices in Chicago, Illinois. Complainant did not appear and no one appeared on his behalf. Nicor appeared by counsel.

I. Background

At the May 21 prehearing conference, Nicor stated that shortly after the complaint had been filed, the parties engaged in a settlement conference and resolved all outstanding issues. On May 1, 2014, Nicor's Manager of Customer Relations forwarded the terms of the settlement agreement to Nicor's counsel, who put all of the terms into a cover letter to Complainant, along with a Joint Motion to Dismiss ("May 1 Joint Motion"), with instructions for the Complainant to sign the Agreement and return it to counsel. Nicor's counsel did not hear back from Complainant after he sent the letter. (Tr., 5/21/14 at 2-3).

The ALJ advised Nicor's counsel that, without a signed settlement agreement, that there was no settlement from the Commission's standpoint. This matter was continued for status to June 27, 2014 and to August 29, 2014.

On July 8, 2014, Nicor filed a Motion to Dismiss Formal Complaint 14-0329 ("July 8 motion"), stating that on April 29, 2014, the parties had engaged in a settlement

conference that resulted in a resolution of all outstanding issues related to Complainant's account and the allegations in this Docket.

The July 8 motion reiterates that on May 1, 2014, Nicor advised Complainant in a letter that it had fulfilled all of the obligations to which it had agreed as part of the settlement. The letter included the May 1 Joint Motion for Complainant's signature, which would formally close this Docket. On May 21, Nicor contacted Complainant to determine the status of the May 1 Joint Motion. Complainant requested that it be e-mailed to him again and he would sign it.

The July 8 motion further states that on three additional occasions, June 13, 2014, June 23, 2014, and June 26, 2014, Nicor again contacted Complainant inquiring whether he had signed the May 1 Joint Motion. Each time Complainant requested that it be e-mailed to him again and he would sign it. Despite sending the May 1 Joint Motion to Complainant on five separate occasions, he did not sign and return the document. (July 8 Motion at 2-3).

The July 8 motion concludes that Nicor has fulfilled all of its obligations under the settlement agreement and, due to the fact that the controversy regarding the overcharge is now moot, Docket 14-0329 should be dismissed with prejudice.

The ALJ sent notice that Complainant's answer to the July 8 motion would be due on July 23, 2014 and that Nicor's reply would be due on July 30, 2014. Complainant did not file an answer to the July 8 motion.

II. Commission Analysis and Conclusions

The Commission agrees with Nicor. Complainant has obviously resolved with Nicor the issues he raised in his complaint. It is apparent that he has no intention of signing the settlement agreement forward to him on five distinct occasions by Nicor's counsel. Moreover, Complainant did not appear at the scheduled May 21, 2014 prehearing conference, no one appeared on his behalf, and he has made no attempt to contact the ALJ or the Commission during the pendency of this Docket. Further, Complainant did not file an answer to the July 8 motion.

The Commission finds no reason not to grant the motion. Complainant's Motion to Dismiss Formal Complaint 14-0329 should be granted and the complaint should be dismissed, with prejudice.

III. Findings and Ordering Paragraphs

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) on April 23, 2014, Jorge Sfeir, M.D. filed a complaint against Northern Illinois Gas Company d/b/a Nicor Gas Company alleging that Nicor erroneously billed him an additional \$2500 from 2007;
- (2) Nicor is an Illinois corporation engaged in furnishing natural gas service to customers in Illinois and, as such, is a public utility within the meaning of Section 3-105 of the Act (220 ILCS 5/3-105);
- (3) this matter was set for a prehearing conference on May 21, 2014; Complainant failed to appear; Nicor stated that, shortly after the complaint had been filed, Complainant appeared at Nicor's offices and resolved all outstanding issues;
- (4) Nicor's Manager of Customer Relations forwarded the terms of the settlement the agreement to Nicor's counsel who, on May 1, 2014, put all of the terms into a cover letter to Complainant, along with a Joint Motion to Dismiss, with instructions for the Complainant to sign the agreement and return it to counsel;
- (5) Nicor's counsel did not hear back from Complainant after he sent the letter;
- (6) this Docket was continued for status to June 27, 2014 and to August 29, 2014;
- (7) on July 8, 2014, Nicor filed a Motion to Dismiss Formal Complaint 14-0329, stating that on April 29, 2014, the parties had engaged in a settlement conference that resulted in a resolution of all outstanding issues related to Complainant's account and the allegations in this Docket; that Nicor had fulfilled all of the obligations to which it had agreed as part of the settlement; that Complainant had failed on five separate occasion to sign the Joint Motion to Dismiss; and that, because Nicor has fulfilled all of its obligations under the settlement agreement and due to the fact that the controversy regarding the overcharge is now moot, Docket 14-0329 should be dismissed with prejudice;
- (8) Complainant was directed to file an answer to the July 8 motion by July 23, 2014;
- (9) Complainant failed to file an answer to the July 8 motion;
- (10) the complaint should be dismissed, with prejudice.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Motion to Dismiss Formal Complaint 14-0329, filed by Respondent on July 8, 2014 is granted.

IT IS FURTHER ORDERED that the complaint filed by Jorge Sfeir, M.D. on April 23, 2014, is dismissed, with prejudice.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

DATED:
BRIEFS ON EXCEPTIONS DUE:
REPLY BRIEFS ON EXCEPTIONS DUE:

August 4, 2014
August 18, 2014
August 25, 2014

John T. Riley
Administrative Law Judge